

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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JONATHAN MONSARRAT,

*Plaintiff*

v.

BRIAN ZAIGER

*Defendant.*

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CIVIL ACTION NO. 17-cv-10356-PBS

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A REPLY TO DEFENDANT’S  
OPPOSITION TO PLAINTIFF’S RULE 54(b) MOTION FOR RECONSIDERATION OF  
DISMISSAL OF DIRECT INFRINGEMENT CLAIMS.**

Pursuant to Local Rule 7.1(b)(3), Jonathan Monsarrat requests leave to file a reply to Zaiger’s February 15, 2018 opposition (Doc. 108) to Monsarrat’s February 1, 2018 motion (Doc. 98) for reconsideration of dismissal of Monsarrat’s direct infringement claims.

A reply is required because among other things Zaiger’s opposition mistakenly applies the post-judgment standards of Rule 59 and Rule 60, improperly ascribes an extortive motive to plaintiff, and improperly requests the Court to invade the province of the jury on the dispositive discovery rule issue as to accrual of the inherently unknowable direct infringement claim.

A reply will assist the Court to determine Monsarrat’s February 1, 2018 motion (Doc. 98) seeking reconsideration of the dismissal of Monsarrat’s direct infringement claim.

**WHEREFORE** Jonathan Monsarrat requests leave to file the proposed reply attached as Exhibit A.

DATED: February 26, 2018.

Respectfully submitted,

JONATHAN MONSARRAT,

By his attorney,

ss/ Richard A. Goren

Richard A. Goren, Esq. BBO #203700

Law Office of Richard Goren

One State Street, Suite 1500

Boston, MA 02109

617-933-9494

[rgoren@richardgorenlaw.com](mailto:rgoren@richardgorenlaw.com)

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

I hereby certify that on February 23, 2018 and again on February 26, 2018, I conferred by email with defendant's counsels and attempted in good faith to resolve or narrow the issues.

/s/ Richard A. Goren

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on February 26, 2018.

/s/ Richard A. Goren